

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUEBEN HERRERRA and RICO MENEFEE,

Plaintiffs,

Case No. 10-11215

v.

Honorable John Corbett O'Meara

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (#172)

This matter came before the court on Plaintiffs' August 9, 2011 and August 26, 2011 objections to the Report and Recommendation (document no. 172) filed by Magistrate Judge Paul Komives on July 22, 2011. Defendants filed a response to the objections on August 15, 2011.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, 28 U.S.C. § 636(b)(1)(B), and LR 72.1(d), the court has reviewed the report and recommendation as well as the parties' objections and response filed thereto. After conducting a *de novo* review, the court accepts the magistrate judge's report and recommendation as the court's findings and conclusions. Accordingly,

IT IS HEREBY ORDERED that the report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Plaintiffs' motion for preliminary injunction (#53) is DENIED; Defendant's motion to dismiss (#112) is GRANTED; Plaintiffs' motion to certify class (#125) is DENIED; Defendants' motion to dismiss (#130) is GRANTED; Defendants' motion to dismiss (#140) is GRANTED; and Plaintiff's motion for summary judgment (#157) is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: September 1, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 1, 2011, using the ECF system, and upon Rueben Herrera at Thumb Correctional Facility, 3225 John Conley Drive, Lapeer, MI 48446; Rico Menefee at Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868 by first-class U.S. mail.

s/William Barkholz
Case Manager